

*Appl. No. 09/646,599*  
*Amendment dated February 26, 2003*  
*Reply to office action mailed November 26, 2003*

### **REMARKS/ARGUMENTS**

The above-identified patent application has been reviewed in light of the Examiner's Action mailed 26 November 2003. Claims 5-38 and 43-57 are pending. Claims 5 and 49 have been amended herein. Accordingly, following entry of the foregoing amendments, Claims 5-38 and 43-57 will be pending and Claims 6, 8, 9, 28, 29, 34, 35, 37, 49, 51, 52, 54, 56 and 57 remain withdrawn from consideration pending rejoinder following the allowance of Claim 5. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 102**

The Examiner has rejected Claim 5 under 35 U.S.C. § 102(b) as being anticipated by *Helv Chimica Acta* 41, 1163-68, 1958 (hereinafter "Cherbuliez"). Applicants respectfully submit that the Examiner's citation of Compound 7 from Table III of Cherbuliez is incorrect. This compound does not anticipate Claim 5 as the Examiner has defined the substituents because according to the definition in the pending Claim 5,  $-X-(CH_2)_n-R$  cannot be  $-COOH$  and Y cannot be defined to include a methyl group. However, Applicants believe that the Examiner meant to cite Compound 8 of Table III as anticipating Claim 5 when the substituents of Claim 5 are defined as  $W=OH$ ,  $R=CH_3$ ,  $X=O$ ,  $Z=hydrogen$ ,  $Y=O$ ,  $m=0$ ,  $V=H$ ,  $L=CH_2$  and  $n=0$ . Applicants have amended Claim 5 to eliminate the instance in which the variable L can be  $CH_2$ .

The Examiner has also rejected Claim 5 under 35 U.S.C. § 102(b) as being anticipated by *J. Biol Chem* 221:171-80 (1956) (hereinafter "Black"). Applicants have amended Claim 5 to eliminate the recitation of "independently" from the definition of variable X. Thus, as amended, variable X must be O or S but cannot represent O and S within the same compound.

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Applicants therefore submit that Claim 5, as amended, is not anticipated by Cherbuliez or Black and respectfully request the Examiner's rejections under 35 U.S.C. § 102(b) be withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: 26 FEB 2004